

# UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII

## Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines

The debtor(s) listed below filed a chapter 13 bankruptcy case on 11/3/10.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

### See Reverse Side For Important Explanations

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Nicholas Peter Moore  
dba Moore's Excavation .  
PO Box 472  
Volcano, HI 96785

Elizabeth Rochelle Moore  
PO Box 472  
Volcano, HI 96785

Case Number:  
10-03362

Social Security/Taxpayer ID/Employer ID/Other Nos.:  
xxx-xx-5775  
xxx-xx-0647

Attorney for Debtor(s) (name and address):

Blake Goodman  
900 Fort Street Mall, Suite 920  
Honolulu, HI 96813  
Telephone number: 808.528.4274

Bankruptcy Trustee (name and address):

Howard M.S. Hu  
1132 Bishop Street, Suite 301  
Honolulu, HI 96813  
Telephone number: (808) 526-3083

### Meeting of Creditors

Date: **December 14, 2010**

Time: **10:30 AM**

Location: **Hilo State Office Building, 75 Aupuni Street, 1st Floor, Hilo, HI 96720**

### Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

#### Deadline to File a Proof of Claim:

For all creditors (except a governmental unit): **3/14/11**

For a governmental unit (except as otherwise provided in Fed. R. Bankr. P. 3002 (c)(1)): **5/2/11**

#### Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

### Deadline to File a Complaint to Determine Dischargeability of Certain Debts: 2/14/11

#### Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

### Filing of Plan, Hearing on Confirmation of Plan

A hearing on confirmation of the debtor's plan is scheduled for **1/6/11**, at **09:40 AM**, in the **U.S. Bankruptcy Courtroom, 1132 Bishop Street, Suite 250, Honolulu, Hawaii**. The deadline to file an objection to confirmation is 7 days before the hearing or 21 days after the filing of an amended plan, whichever is later. The hearing may be continued to provide sufficient time to object or may be canceled if no timely objections are filed. If you do not receive a copy of the plan with this notice, the debtor is responsible for sending you the plan separately.

### Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

#### Address of the Bankruptcy Clerk's Office:

1132 Bishop Street  
Suite 250  
Honolulu, HI 96813  
Telephone number: (808) 522-8100

#### For the Court:

Clerk of the Bankruptcy Court:  
Michael B. Dowling

Hours Open: Monday – Friday 8:30 AM – 4:00 PM

Date: 11/3/10

## EXPLANATIONS

B9I (Official Form 9I) (12/07)

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|---|--|
| Filing of Chapter 13 Bankruptcy Case                    | A bankruptcy case under Chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on the front of this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.   |
| Legal Advice  | The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.   |
| Creditors Generally May Not Take Certain Actions        | Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.   |
| Meeting of Creditors                                    | A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.  |
| Claims  | A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. <b>Filing Deadline for a Creditor with a Foreign Address:</b> The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. |
| Discharge of Debts                                      | The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a)(2) or (4), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.   |
| Exempt Property   | The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.   |
| Bankruptcy Clerk's Office                               | Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of property claimed as exempt, at the bankruptcy clerk's office.  |
| Creditor with a Foreign Address                         | Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.  |
| Refer to Other Side for Important Deadlines and Notices |  |
|   |  |

|  |  |   |
|--|--|---|
| <b>UNITED STATES BANKRUPTCY COURT District of Hawaii</b>   |  | <b>PROOF OF CLAIM</b>   |
| Name of Debtor: Nicholas Peter Moore<br>Elizabeth Rochelle Moore   |  | Case Number: 10-03362   |
| NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.  |  |   |
| Name of Creditor (the person or other entity to whom the debtor owes money or property):   |  | <input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.<br><br><b>Court Claim Number:</b> _____<br><i>(If known)</i><br><br><b>Filed on:</b> _____   |
| Name and address where notices should be sent:   |  |   |
| Telephone number:  |  |   |
| Name and address where payment should be sent (if different from above):   |  | <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.<br><br><input type="checkbox"/> Check this box if you are the debtor or trustee in this case.   |
| Telephone number:  |  |   |
| <b>1. Amount of Claim as of Date Case Filed:</b> \$ _____<br><br>If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.<br><br>If all or part of your claim is entitled to priority, complete item 5.<br><br><input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.  |  | <b>5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.</b><br><br>Specify the priority of the claim.<br><br><input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).<br><br><input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507 (a)(4).<br><br><input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).<br><br><input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).<br><br><input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).<br><br><input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____).<br><br><b>Amount entitled to priority:</b><br><br>\$ _____<br><br><i>*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i> |
| <b>2. Basis for Claim:</b> _____<br>(See instruction #2 on reverse side.)  |  |   |
| <b>3. Last four digits of any number by which creditor identifies debtor:</b> _____<br><br><b>3a. Debtor may have scheduled account as:</b> _____<br>(See instruction #3a on reverse side.)  |  |   |
| <b>4. Secured Claim</b> (See instruction #4 on reverse side.)<br>Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.<br><br><b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other<br><b>Describe:</b><br><br><b>Value of Property:</b> \$ _____ <b>Annual Interest Rate</b> ____ %<br><br><b>Amount of arrearage and other charges as of time case filed included in secured claim,</b><br><b>if any:</b> \$ _____ <b>Basis for perfection:</b> _____<br><br><b>Amount of Secured Claim:</b> \$ _____ <b>Amount Unsecured:</b> \$ _____  |  |   |
| <b>6. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim.<br><br><b>7. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. <i>(See instruction 7 and definition of "redacted" on reverse side.)</i><br><br>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.<br><br>If the documents are not available, please explain: |  |   |
| <b>Date:</b> _____   | <b>Signature:</b> The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. |   |
|  |  | <b>FOR COURT USE ONLY</b>   |

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

*The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.*

**Items to be completed in Proof of Claim form****Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**3a. Debtor May Have Scheduled Account As:**

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

**4. Secured Claim:**

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a):**

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Credits:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

**7. Documents:**

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

**Date and Signature:**

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

**DEFINITIONS****Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is a person, corporation, or other entity owed a debt by the debtor that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

**Claim**

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

**Secured Claim Under 11 U.S.C. §506(a)**

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. §507(a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

**INFORMATION****Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system ([www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov)) for a small fee to view your filed proof of claim.

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

# CERTIFICATE OF NOTICE

District/off: 0975-1  
Case: 10-03362

User: lisa  
Form ID: b9i

Page 1 of 1  
Total Noticed: 31

Date Rcvd: Nov 04, 2010

The following entities were noticed by first class mail on Nov 06, 2010.

db/jdb +Nicholas Peter Moore, Elizabeth Rochelle Moore, PO Box 472, Volcano, HI 96785-0472  
aty +Blake Goodman, 900 Fort Street Mall, Suite 920, Honolulu, HI 96813-3715  
tr +Howard M.S. Hu, 1132 Bishop Street, Suite 301, Honolulu, HI 96813-2814  
smg Department of Taxation, State of Hawaii, Attn: Bankruptcy Unit, P.O. Box 259,  
Honolulu, HI 96809-0259  
1052478 American Home Mortgage, P.O. Box 619063, Dallas, TX 75261-9063  
1052479 +Ap Water Water Supply/ Vendor, 819 Kanoolejua Ave, Hilo, HI 96720-5147  
1052480 +Attorney General, 425 Queen St., Honolulu, HI 96813-2903  
1052484 +Central Pacific Bank, P.O. Box 3590, Honolulu, HI 96811-3590  
1052485 +Central Supply Inc/vendor, 31-a Makaala Street, Hilo, HI 96720-5178  
1052488 Cnh Capital, P.O. Box 894703, Los Angeles, CA 90189-4703  
1052489 +Cypress Crossing POA, Inc, 9995 Gate Parkway N., #400, Jacksonville, FL 32246-1898  
1052490 +D&m Hydraulic Sales And Services, Inc/ V, 94-148 Leowaena St, Waipahu, HI 96797-2229  
1052491 +Frank Huff Agency, Inc Collections, P.O. Box 747, Hilo, HI 96721-0747  
1052492 +Frist Hawaiian Bank, P.O. Box 1700, Honolulu, HI 96806-1700  
1052493 +Hawaii Dept. of Taxation, Bankruptcy Unit, PO Box 259, Honolulu, HI 96809-0259  
1052494 +Hawaii Radiologic Associates, 688 Kinoolw St Ste 103, Hilo, HI 96720-3868  
1052495 +Hawaii State Tax Collector, Bankruptcy Unit, PO Box 259, Honolulu, HI 96809-0259  
1052496 +Hilo Medical Center, 1190 Waianuenue Ave., Hilo, HI 96720-2094  
1052498 Internal Revenue Service, 1099 Alakea St, 12th Floor, Stop 1207, Honolulu, HI 96813-4511  
1052500 +Keaau Service Station/ Vendor, P.O. Box 335, Keaau, HI 96749-0335  
1052501 +Michaela Clarke Dds, 31 East Lanikaula St. Ste.b, Hilo, HI 96720-4362  
1052502 +Puna Rock Llc/ Vendor, P.O. Box 566, Keaau, HI 96749-0566  
1052503 +Sanford's Service Center/ Vendor, P.O. Box 1321, Pahoa, HI 96778-1321  
1052504 Washington County Tax Collector, Helen McEntyre, CFC, Chipley, FL 32428

The following entities were noticed by electronic transmission on Nov 05, 2010.

1052481 EDI: BANKAMER.COM Nov 05 2010 00:38:00 Bank Of America, P.o. Box 15220,  
Wilmington, DE 19886-5220  
1052482 EDI: BANKAMER.COM Nov 05 2010 00:38:00 Bank Of America, P.o. Box 301200,  
Los Angeles, CA 90030-1200  
1052483 E-mail/Text: bankruptcy@bbandt.com Bb&t, P.o. Box 580048,  
Charlotte, NC 28258-0048  
1052486 EDI: CHRYSLER.COM Nov 05 2010 00:38:00 Chrysler Financial, PO Box 9001921,  
Louisville, KY 40290-1921  
1052487 EDI: CITICORP.COM Nov 05 2010 00:38:00 Citi Mastercard, P.o. Box 653054,  
Dallas, TX 75265-3054  
1052499 EDI: IRS.COM Nov 05 2010 00:38:00 IRS, P.O. Box 21226, Philidelphia, PA 19114  
1052497 EDI: IRS.COM Nov 05 2010 00:38:00 Internal Revenue Service, P.O. Box 21226,  
Philidelphia, PA 19114

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 06, 2010

Signature:

